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Title 31 ELECTIONS

Part I. Election Process

Chapter 1. Determination of Polling Place Accessibility for the Elderly and Handicapped

§101. Purpose

A. The purpose is to establish minimum guidelines to be used in determining whether facilities used as polling places in all elections are accessible to handicapped and elderly voters pursuant to the federal "Voting Accessibility for the Elderly and Handicapped Act," Public Law 98-435.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:225 (April 1986).

§103. Definitions

A. For the purpose of this rule, the following definitions shall apply.

Accessible—The combination of the various elements of the built environment as prescribed herein which allows parking, entrance to, egress from and use of polling place facilities by handicapped and elderly voters.

Blend to a Common Level—The meeting of two or more surfaces so that there is no abrupt vertical change in any of the surfaces which could create a tripping hazard or divert the direction of the caster wheels on a wheelchair.

Circulation Route—A continuous path of travel from the curb or parking area to the polling place building, into and through the polling place building to the voting area and includes both horizontal and vertical travel.

Committee for Voting Accessibility—A committee appointed by the Commissioner of Elections and Registration composed of a representative of:

- a. Clerks of Court;
- b. Registrars of Voters;
- c. physically handicapped person;
- d. Attorney General;
- e. Secretary of State;
- f. State Board of Election Supervisors; and
- g. Police Jury Association.

Curb—The inside boundary of the street, driveway or parking lot.

Elderly—Any person who is 65 years of age or older.

Exterior Circulation Route—That part of a circulation route from the curb or parking area to the point of entry to the polling place building.

Handicapped—Any person who has a temporary or permanent physical disability.

Handicapped Parking—A place specially designated by the International Symbol for Accessibility and other markings with dimensions as specified in §105.A.1.b.ii.

Interior Circulation Route—That part of a circulation route from the point of entry to the polling place building through the polling place building to the voting area.

Passenger Loading Zone—A place specially provided outside of the vehicular traffic flow designed for the drop-off or pick-up of passengers from vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:225 (April 1986).

§105. Guidelines for Accessibility

A. To be accessible to handicapped and elderly voters a polling place must have at least one circulation route which meets the following criteria.

1. Exterior Circulation Routes. There shall be at least one path of travel that shall have no steps or slope greater than 1:12 from the curb or parking area to an entrance of the polling place building and facilities. This route shall be as direct as site conditions allow.

a. Walks and Sidewalks

i. The minimum clear width of walks and sidewalks shall be 3' - 0".

ii. Walks and sidewalks shall be of a continuing common surface, not interrupted by abrupt changes in level. Surfaces shall be firm and stable.

iii. Walks with gradients steeper than 1:20 shall be considered as ramps and conform to the requirements of §105.A.4. Ramps on walks shall not be steeper than 1:12.

iv. Walks with sustained gradients of no greater than 1:20 shall have level areas of at least 5' - 0" in length at approximately 100' - 0" intervals for the purpose of rest.

v. No rigid or hard object shall project into the space above a walk lower than 7' 6" measured from the surface.

vi. Wherever walks and sidewalks intersect with other walks and sidewalks, parking lots, driveways, or streets, the surfaces shall blend to a common level to allow smooth passage of wheelchairs.

b. Parking

i. If parking areas are provided as part of the premises used as a polling place by voters, they shall have parking spaces specifically for the handicapped and an accessible path of travel to the polling place building. If general parking is not provided, every effort shall be made to set aside/reserve a temporary parking area for handicapped persons. If passenger loading zones are provided, they shall be accessible to the handicapped and be close to the aforementioned path of travel.

ii. If parking spaces for the handicapped are provided, they shall be marked to indicate that they are reserved for disabled drivers, using the International Symbol for Accessibility and should be of the appropriate dimensions (See Illustration D below) to allow the safe exit and entry of persons with disabilities from their vehicles. Such markings shall be placed on a pole or wall mounted and may be accompanied by markings painted on the surface.

2. Entrances, Doors and Doorways

a. At least one entrance (exit) to the polling place building and rooms shall be accessible. The accessible entrance to the polling place should be identified and marked using the International Symbol for Accessibility.

b. The floor on the inside and outside of each doorway shall preferably be level, but may slope no more than 1:50.

c. Entrances shall have a minimum clear width of 2' - 8". This dimension shall be measured from the face of the door to the face of the door stop. Where double doors are used, at least one leaf shall allow a 2' - 8" clear opening. (See Illustration B below)

d. The minimum space between two hinged doors in a series shall be the width of the door swinging into the space plus 4' 0". Door swings of doors in series shall open in the same direction. Single doors hung in series shall be hinged at the same side.

e. At vestibules where doors are at right angles to each other, the dimension between the wall with the inswinging door and the facing wall shall be 6' - 6" minimum. The minimum dimension in the other direction shall be 5' - 0".

f. If the above specification cannot be satisfied, then one of the two doors shall be securely fastened in an open position during the hours when the polling place is open. (See Illustration C below).

g. The maximum height of thresholds at exterior and interior doors shall be 1/2". Where there are differences in floor level between rooms or spaces, the threshold shall be sloped at no more than 1:20.

h. Doors should be operable without movements requiring a tight grasp, complex hand movements, or the exertion of great force.

3. Interior Circulation Routes

a. There shall be an accessible and convenient path of travel from an accessible entrance to the voting area.

b. The voting area in the polling place building shall be served from an accessible entrance by at least one path of travel that does not have stairs or escalators.

c. The minimum clear width of halls, corridors, passage-ways and aisles shall be 3' - 0".

d. No rigid or hard objects shall project into the space above a path of travel unless the dimension from the bottom edge of the object to the walk surface is at least 7' - 6".

4. Ramps

a. If possible, alternative design solutions to ramps should be provided because of the substantial energy demands required to negotiate them by those in wheelchairs, plus the difficulties encountered by amputees and others with gait problems on ascent and descent ramps shall allow unrestricted traffic flow, and be free of hazards. All ramps constructed or temporarily installed in a polling place building shall meet the requirements of this standard.

b. Any part of a circulation path shall be considered a ramp if it has a slope that is greater than 1:20. The following table gives allowable slopes and maximum lengths.

Allowable Slope	Maximum Rise in a Single Ramp	Maximum Length of a Single Ramp Segment
1:12	2' - 6"	30' - 0"
1:16	2' - 6"	40' - 0"
1:20	2' - 6"	50' - 0"

c. All ramps in a rampway shall have identical slopes. Ramps of 1:8 may be used where existing physical constraints prevent the construction of more gradually sloped ramps.

d. All ramps with a rise greater than 9" shall have handrails on both sides. Handrails shall be continuous along the ramp segment.

e. Ramps shall have a minimum clear width of 3' - 0".

f. Ramps shall level platforms at the bottom and the top of each run, at least 5' - 0" long and be at least as wide as the ramp. Intermediate platforms shall be 5' - 0" minimum between each ramp segment. See above Table for the maximum allowable lengths of ramp segments.

g. Intermediate turning platforms shall be a minimum of 5' - 0" in length and 7' - 0" wide to allow wheelchair maneuvering through 180 degrees, and at least 5' - 0" long in both directions for turns of 90 degrees.

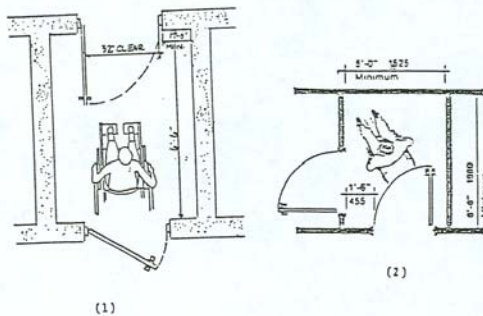
h. If doors open out onto the ramp platform, a level area at least 5' - 0" deep and 5' - 0" wide shall be provided.

i. The ramp surface shall be slip resistant.

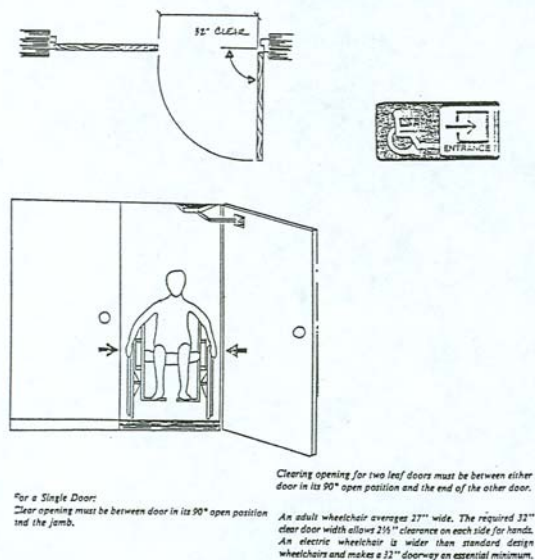
j. No objection shall be hung from above or the sides that projects into a rampway lower than 7' - 6" from the surface of the ramp or landing. Below this height, no object shall project into a rampway other than the handrails.

4. Elevators. If elevators are necessary to access the voting area, the elevators shall be on an accessible route and shall comply with the American National Standard Safety Code for Elevators, Dumb-Waiters, Escalators and Moving Walks, ANSI A117.1 1980.

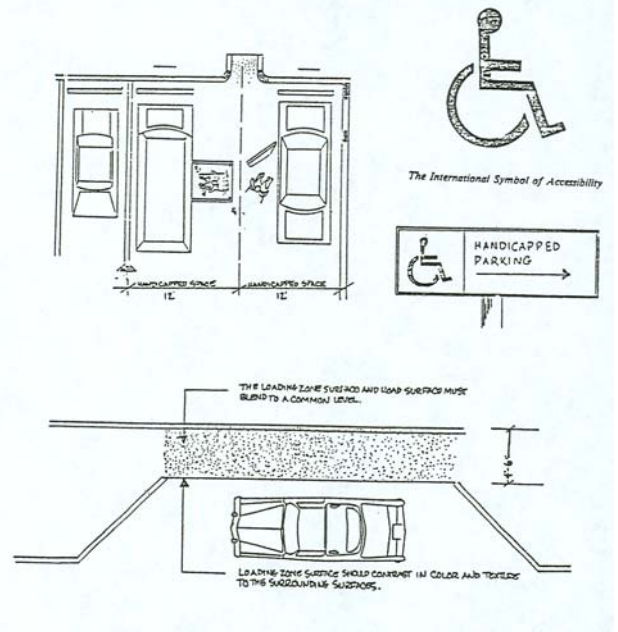
B. Illustration C Minimum Requirements for Doors Opening in Series (1) and Minimum Vestibule Dimensions When Doors are Located at Right Angles to Each Other (2)



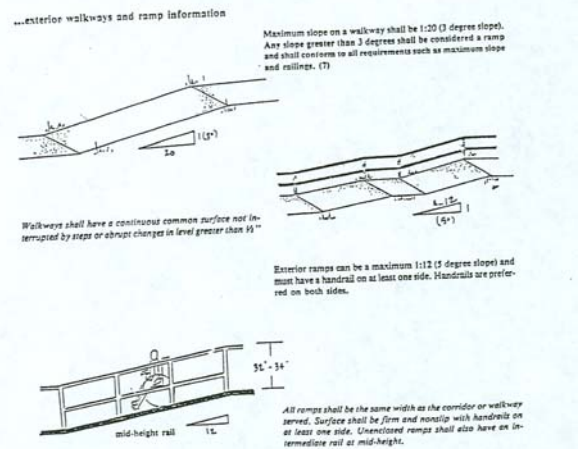
C. Illustration C Minimum Clear Door Openings



D. Illustration C Parking and Passenger Loading Zones



E. Illustration C Exterior Circulation Routes Blend to a Common Level



AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:226 (April 1986).

§107. Determination of Accessibility

A. The parish governing authority shall survey every polling place facility to be used throughout the jurisdiction to determine whether such facilities are in compliance with the criteria set forth herein.

B. The survey shall be completed using the form prescribed by the Department of Elections and Registration (herein after referred to as D.E.R.). This completed survey form shall be retained by the parish governing authority for the period the site is used as a polling place. Copies of the survey shall be forwarded to the D.E.R. and shall be made available for public inspection upon request.

C. If an existing polling place fails to satisfy the criteria set forth herein and cannot be temporarily altered in a reasonable manner to satisfy the criteria, it will be deemed inaccessible and shall not be used unless an exemption is granted by the Committee for Voting Accessibility (hereinafter referred to as C.V.A.). In accordance with the provisions herein C.V.A. reserves the right to conduct on-site inspections of polling places.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:227 (April 1986).

§109. Exemption Procedures

A. If all potential polling place facilities have been surveyed and no accessible facility is available and the facilities which are available cannot reasonably be made temporarily accessible, the parish governing authority shall request in writing to the C.V.A. in care of the D.E.R. that the existing polling place be exempt from the criteria set forth herein. A separate request for exemption shall be submitted for each polling place not in compliance. Nothing herein shall require the installation of temporary ramps to the exclusion of continued efforts to achieve compliance.

B. In order to be granted an exemption by the C.V.A., the written request shall:

1. identify the polling place for which the exemption is requested;
2. identify the provisions herein with which the existing site is not in compliance;
3. describe the efforts made to locate a site in compliance with these guidelines;
4. describe what continued efforts will be made to achieve compliance during the period that the exemption is in effect;
5. state the approximate length of time needed to meet the compliance requirements;
6. be accompanied with a copy of the completed survey form; and
7. bear the signature of an official of the parish governing authority.

C. In 1986, a request for an exemption for any currently established polling place shall be filed with the C.V.A. in care of the D.E.R. not later than July 1 of that year.

D. Within 10 working days following the receipt of a request for exemption, the C.V.A. will consider granting a certification of exemption to the parish governing authority for that polling place. Such exemption shall be valid for a period of one year from the date of issuance.

E. If one or more disabled persons contact the D.E.R. concerning a specific exemption, the D.E.R. shall work in cooperation with the parish governing authority and the disabled persons in locating an available accessible facility.

F.1. If an accessible facility which is otherwise suitable can be leased as a polling place by the parish governing authority at any time during the period that the exemption is in effect, the D.E.R. shall be notified of the existence of this facility and the exemption shall be rescinded upon receipt of a completed survey form.

2. The parish governing authority shall notify the D.E.R. of any change in polling place facilities within 10 days of the establishment of that new polling place.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:227 (April 1986).

§111. Emergency Provision

A. If an accessible polling place becomes unavailable during the period commencing on the date the qualifying period opens and ending on the date of the general election, these rules shall not apply.

B. Any alternate polling place not in compliance with these rules shall be considered temporary and cannot be used in the next ensuing election without an exemption from the C.V.A.

C. Not more than 30 days following the election, the Parish Governing Authority shall notify the C.V.A. in care of the D.E.R. in writing of the polling place change and describe the emergency which caused the alternate polling place to be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:227 (April 1986).

§113. Responsibilities of the Louisiana Department of Elections and Registration (D.E.R.)

A. The Louisiana Department of Elections and Registration shall:

1. prepare a list of all polling places by election jurisdiction for which an exemption was granted. Such list shall contain the location of the polling place, the reason for the inaccessibility and the date the exemption was granted. Such list together with the petition for exemption shall be public record at the office of the D.E.R.;

2. within 10 working days following the receipt of a written notification from the United States Attorney General, or a person who is personally aggrieved, that an election jurisdiction is not in compliance with these rules, transmit a copy of the notification to the parish governing authority. Upon receipt of the notification, the parish governing authority shall respond in writing to the D.E.R. within 10 days. Upon receipt of response the D.E.R. will submit, within 10 working days, the grievance and the response to the C.V.A. for final determination.

3. not later than September 1 of each even-numbered year, verify the list of exemptions with each election authority; and

4. not later than December 31 of each even-numbered year, report to the Federal Election Commission, in a manner to be determined by the commission, the number of accessible and inaccessible polling places throughout the state on the date of the preceding general federal election and the reason for any instance of inaccessibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 12:227 (April 1986).

Chapter 3. Commissioners and Commissioners-in-Charge

§301. Testing

A. At the conclusion of each course of instruction for applicants for "commissioners" and commissioners-in-charge, the clerk of court shall administer the test which has been delivered to them by the State Board of Election Supervisors.

B. The test to be given to applicants for "commissioner" shall consist of 15 questions, all of which shall be taken from the panel of 25 questions as set out in Subsection L.

C. Applicants for "commissioner" shall be allowed 45 minutes to complete the test. Unanswered questions shall be scored as wrong.

D. Applicants for "commissioner" must complete at least 10 answers correctly to be eligible for certification.

E. The test to be given to applicants for "commissioner-in-charge" shall consist of 20 questions, all of which shall be taken from the panel of questions set out in Subsection M.

F. Applicants for "commissioner-in-charge" shall be allowed one hour to complete the test. Unanswered questions shall be scored as wrong.

G. Applicants for "commissioner-in-charge" must complete at least 15 questions correctly to be eligible for certification.

H. Applicants for "commissioner" and "commissioner-in-charge" may refer to the Election Code and informational pamphlet during the course of the examination, but they shall not receive assistance from any other source or individual.

I. The State Board of Election Supervisors shall vary some of the test questions on each succeeding examination, and the numbers and location of the questions shall be different from the preceding examination.

J. At the close of the allotted time for the examinations, the clerk of court shall collect and grade the test papers, using the answer sheet or template provided to them by the State Board of Election Supervisors.

K. The clerk of court shall then certify those applicants who received a passing grade as provided in Subsections D and G. The clerk of court shall keep the examination papers at least 30 days and any applicant may inspect his test paper during such time.

L. The examinations for "commissioner" shall be taken from the following list of multiple choice questions.

1. All commissioners must be present at the precinct no later than:

- a. 5:30 a.m.;
- b. 6:00 a.m.;
- c. 6:30 a.m.

2. If a commissioner-in-charge fails to appear at the polling place at least 30 minutes before the polls are to open, the commissioners in attendance shall immediately:

- a. notify the Parish Board of Election Supervisors;
- b. select a commissioner-in-charge from the commissioners present;
- c. notify the clerk of court.

3. If a commissioner fails to appear at the polling place at least 30 minutes before the time when the polls are to open, the commissioner-in-charge shall:

- a. call him on the telephone;
- b. notify the clerk of court;
- c. select an alternate commissioner to serve in his place.

4. A commissioner who fails to appear at the polling place at least 30 minutes before the time when the polls are to open is:

- a. disqualified for the remainder of his term;
- b. removed from the list of eligible commissioners;
- c. disqualified from serving as such in the next primary and general elections, unless he establishes to the satisfaction of the parish board of election supervisors that his absence was for just cause.

5. The commissioner-in-charge shall administer the oath to the commissioners:

- a. at 5:30 a.m.;
- b. before the first vote is cast;
- c. prior to the opening of the polls.

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6. Who compares the numbers on the seal and protective counter of each voting machine with the numbers on the envelope containing the keys to the voting machine?

- a. The commissioner-in-charge.
- b. The commissioners.
- c. The commissioners and watchers.

7. Who examines each counter on each machine to determine that it registers zero?

- a. The commissioner-in-charge.
- b. The commissioners and watchers.
- c. The parish custodian.

8. If a counter other than the protective counter does not register zero, the commissioners shall immediately notify:

- a. the parish Board of Election Supervisors;
- b. the voting machine warehouse;
- c. the parish custodian.

9. The card of instructions to voters and commissioners and a copy of the sample ballot shall be posted:

- a. in a conspicuous place at the principal entrance to the polling place;
- b. on the wall inside the polling place;
- c. on the front of each machine.

10. When the voting machines are unlocked for voting, the commissioners shall:

- a. place the keys in the back of the voting machine;
- b. place the keys to the voting machines in the envelopes provided for that purpose;
- c. return them to the parish custodian.

11. The keys to the voting machines shall not be used during the election except by mechanics or experts repairing or adjusting the machine under the supervision and control of:

- a. the parish custodian;
- b. the commissioner-in-charge;
- c. the watchers.

12. Any person who voted by absentee ballot:

- a. must vote in person if he is within the parish on election day;
- b. shall not vote in person at the polls on election day;
- c. can vote in person if he desires to do so, and his absentee ballot will not be counted.

13. The name of every person who votes at the polling place shall be entered on the poll list:

- a. by the voter;
- b. by the commissioner;
- c. by the watchers.

14. If the name of a qualified voter was omitted from the precinct register or computer voting list, the commissioner shall:

- a. not allow him to vote;
- b. take his word that he is a registered voter and allow him to vote;
- c. contact the registrar of voters to ascertain whether or not the person applying to vote is registered to vote in that precinct.

15. If the applicant to vote is unable to sign his name on the registration certificate or computer voting list:

- a. the applicant shall make his mark in ink in the proper space;
- b. the person assisting him in casting his vote shall sign his name for him in the proper space;
- c. the commissioner shall write his name in the proper space.

16. A voter shall not remain in the voting machine:

- a. longer than five minutes;
- b. longer than three minutes;
- c. longer than four minutes.

17. A voter who because of blindness or physical handicap is unable to cast his vote without assistance may receive assistance from:

- a. his spouse or a blood relative or a commissioner only;
- b. a commissioner other than the commissioner-in-charge only;
- c. any person of his choice except the commissioner-in-charge or a candidate to be voted on in that election.

18. A voter who because of inability to read is unable to cast his vote without assistance may receive assistance from:

- a. his spouse or a blood relative or a commissioner of his choice other than the commissioner-in-charge;
- b. his spouse or a blood relative or a commissioner of his choice other than the commissioner-in-charge, and a second commissioner chosen at random by the commissioner-in-charge or any other person of his choice;
- c. his spouse or a blood relative or a commissioner other than the commissioner-in-charge or any other person of his choice.

19. Other than a blood relative or a commissioner, how many voters needing assistance because they cannot read can the same individual assist in voting at the same election?

- a. Only three.
- b. As many as he chooses.
- c. Only one person.

20. One of the three grounds for challenging a person applying to vote is:

- a. the applicant is not listed on the precinct register or computer voting list;
- b. the applicant has not voted in the last four elections;
- c. the applicant is not qualified to vote in the precinct.

21. Who may challenge a voter?

- a. Any qualified voter.
- b. Only a commissioner or a commissioner-in-charge.
- c. A candidate or his watcher.

22. What disposition is made of the written record of the challenge on election day?

- a. It is sent immediately to the parish Board of Election Supervisors.
- b. It shall be placed in the envelope marked "Put in Voting Machine."
- c. Turned over to the district attorney.

23. As the number of votes for each candidate are called off from the voting machines, they shall be:

- a. entered on the "Tabulation Blank and Compiled Statement" form by one of the commissioners in duplicate;
- b. entered by two commissioners on "Tabulation Blank and Compiled Statement" forms which shall be executed on two original forms, each with a duplicate;
- c. recorded on a "Tabulation Blank and Compiled Statement" form by the commissioner-in-charge.

24. The "Combined Tabulation Blank and Compiled Statement" forms shall be certified as correct and signed by the:

- a. commissioners;
- b. commissioners-in-charge;
- c. commissioners and watchers.

25. Generally speaking, no political activity is allowed between the hours of 6 a.m. and 9 p.m. on election day within:

- a. 300 feet of the entrance to any polling place;
- b. 600 feet of the entrance to any polling place;
- c. inside the polling place.

M. The examination for "commissioner-in-charge" shall be taken from the following list of multiple choice questions.

1. Who receives the sealed envelope containing the keys to the voting machines?

- a. The first commissioner to arrive at the voting precinct.
- b. The commissioner designated by the commissioner-in-charge.
- c. The commissioner-in-charge.

2. All commissioners must be present at the precinct no later than:

- a. 5:30 a.m.;
- b. 6:00 a.m.;
- c. 6:30 a.m.

3. If a commissioner-in-charge fails to appear at the polling place at least 30 minutes before the polls are to open, the commissioner in attendance shall immediately:

- a. notify the parish Board of Election Supervisors;
- b. select a commissioner-in-charge from the commissioners present;
- c. notify the clerk of court.

4. If a commissioner fails to appear at the polling place at least 30 minutes before the time when the polls are to open, the commissioner-in-charge shall:

- a. call him on the telephone;
- b. notify the clerk of court;
- c. select an alternate commissioner to serve in his place.

5. The commissioner-in-charge shall administer the oath to the commissioners:

- a. at 5:30 a.m.;
- b. before the first vote is cast;
- c. prior to the opening of the polls.

6. Who compares the numbers on the seal and protective counter of each voting machine with the numbers on the envelope containing the keys to the voting machine?

- a. The commissioner-in-charge.
- b. The commissioners.
- c. The commissioners and watchers.

7. Who examines each counter on each machine to determine that it registers zero?

- a. The commissioner-in charge.
- b. The commissioners and watchers.
- c. The commissioners.

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8. If a counter other than the protective counter does not register zero, the commissioners shall immediately notify:

- a. the parish Board of Election Supervisors;
- b. the voting machine warehouse;
- c. the parish custodian.

9. The card of instructions to voters and commissioners and a copy of the sample ballot shall be posted:

- a. in a conspicuous place at the principal entrance to the polling place;
- b. on the wall inside the polling place;
- c. on the front of each machine.

10. When do the commissioners and watchers complete the "Machine Certificates No. 1"?

- a. Before the polls close.
- b. Before the polls open.
- c. As soon as the polls close.

11. When the voting machines are unlocked for voting, the commissioners shall:

- a. place the keys in the back of the voting machine;
- b. place the keys to the voting machines in the envelopes provided for that purpose;
- c. return them to the parish custodian.

12. The keys to the voting machines shall not be used during the election except by mechanics or experts repairing or adjusting the machine under the supervision and control of:

- a. the parish custodian;
- b. the commissioner-in-charge;
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13. Any person who voted by absentee ballot:

- a. must vote in person if he is within the parish on election day;
- b. shall not vote in person at the polls on election day;
- c. can vote in person if he desires to do so, and his absentee ballot will not be counted.

14. The name of every person who votes at the polling place shall be entered on the poll list:

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19. A voter who because of inability to read is unable to cast his vote without assistance may receive assistance from:

- a. his spouse or a blood relative or a commissioner of his choice other than the commissioner-in-charge;
- b. his spouse or a blood relative or a commissioner of his choice other than the commissioner-in-charge, and a second commissioner chosen at random by the commissioner-in-charge or any other person of his selection;
- c. his spouse or a blood relative or a commissioner other than the commissioner-in-charge or any other person of his choice.

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- a. It is sent immediately to the Parish Board of Election Supervisors.
- b. Its shall be placed in the envelope marked "Put in Voting Machine."
- c. Turned over to the district attorney.

24. As the number of votes for each candidate are called off from the voting machines, they shall be:

- a. entered on the "Tabulation Blank and Compiled Statement" form by one of the commissioners in duplicate;
- b. entered by two commissioners on "Tabulation Blank and Compiled Statement" forms which shall be executed on two original forms, each with a duplicate;
- c. recorded on a "Tabulation Blank and Compiled Statement" form by the commissioner-in-charge.

25. Generally speaking, no political activity is allowed between the hours of 6 a.m. and 9 p.m. on election day within:

- a. 300 feet of the entrance to any polling place;
- b. 600 feet of the entrance to any polling place;
- c. inside the polling place.

The following questions may be included on examinations administered to applicants for "Commissioner-in-Charge" in those parishes using the 2.5 voting machine.

26. The officer's control latch must be pulled out:

- a. before the polls open;
- b. before each voter votes;
- c. at the close of voting.

27. To lower the ballots on the machine, you must use keys number:

- a. 2 and 5;
- b. 3 and 4;
- c. 2 and 3.

28. After the polls are closed, how do you get the vote count off of the voting machine?

a. Insert number 2 key in lock number 2 and number 3 key in lock number 3 and turn. Break the seal on the knurl knob and turn knob until you hear a distinct click. Take the vise handle and turn counter clockwise as far as it will go. This will raise ballots and count will be showing>

b. Open the back door with key number 1.

c. Insert number 3 key in lock number 3 and turn. Take the vise handle and turn counter clockwise as far as it will go. This will raise the ballots and expose the count.

The following questions may be included on examinations administered to applicant for "Commissioner-in-Charge" in those parishes using the automatic voting machine.

29. Commissioner is unable to unlock top rear door to open counter compartment door to check if all counters are at zero. Why?

- a. Number 2 lock is turned off.
- b. Seal has not been cut.
- c. The counter door latch is not turned horizontal.

30. Commissioner is unable to turn lock number 2 up. Why?

- a. Seal has not been cut.
- b. The machine is too unlevel.
- c. The counter door latch is not turned horizontal.

31. After the machine is sealed, commissioner is unable to unlock top rear door to open counter compartment to tabulate votes. Why?

- a. Front doors are closed.
- b. Light cord is not plugged in.
- c. Number 2 lock is turned up.

The following questions may be included on examinations administered to applicants for "Commissioner-in-Charge" in those parishes using the 10-25 voting machine.

32. Where do you find supplies for the election?

- a. Locked in the back of the voting machine.
- b. At clerk of court's office.
- c. In the envelope with keys to voting machine.

33. To put voting machine in operation, you should:

- a. call registrar of voters;
- b. close and lock all doors;
- c. follow instructions step by step on left front door when facing the voting machine.

34. What key, if any, do you use to raise the ballots?

- a. Front and rear door key.
- b. Machine key.
- c. None.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Secretary of State, Board of Elections Supervisors, LR 8:266 (May 1981).

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Part II. Voter Registration

Chapter 1. Registrar of Voters

§101. Elections and Registration Information Network Registrar of Voters User Manual and Commercial Services Cost Schedule

A. The commissioner of elections has established a state voter registration computer system for the registration of voters throughout the state.

B. The commissioner of elections shall provide all registrars of voters with an Elections and Registration Information Network Registrar of Voters User Manual to be utilized with respect to the state voter registration computer system. This manual shall establish procedures with respect to all records, data, and information required for the registration of voters and the transfer of information to the department. All registrars of voters shall utilize this manual to insure the proper registration of voters. A uniform cost for the preparation of lists of registered voters shall be included in the user manual. Any updates of the manual provided by the Department of Elections and Registration to the registrars of voters shall be incorporated into the manual by each registrar of voters.

C. The Elections and Registration Information Network Registrar of Voters User Manual shall be submitted to the state attorney general's office for approval. Any updates to the manual shall also receive approval by the state attorney general's office.

D. The Elections and Registration Information Network Registrar of Voters User Manual shall be submitted to the Committee on House and Governmental Affairs and the Senate and Governmental Affairs Committee for their information. Both committees shall be kept informed of any changes to the manual.

E. The commissioner of elections establishes the commercial services cost schedule as follows.

1. Hardcopy Lists

Number of Voters	Cost
1 - 2,000 voters	\$50.00
2,001 +	\$0.025 x number of voters
(If the total number of voters is less than 2,001, the minimum charge of \$50 plus delivery applies.) Additional copies of list would cost \$0.005 times the number of voters.	

2. Labels

Number of Voters	Cost
1 - 1,428 voters	\$50.00
1,429 +	\$0.035 x number of voters
(If the total number of voters is less than 1,429, the minimum charge of \$50 plus delivery applies.) Additional copies of labels would cost \$0.01 times the number of voters.	

3. Tape

a. There will be an up-front charge of \$150 plus a per voter charge as follows.

Number of Voters	Cost
1 - 50,000	\$0.025 x number of voters (max. \$ 1,250)
50,001 - 100,000	\$0.020 x number of voters (max. \$ 1,000)
100,001 - 250,000	\$0.015 x number of voters (max. \$ 2,250)
250,001 - 500,000	\$0.010 x number of voters (max. \$2,500)
500,001 - 1,000,000	\$0.008 x number of voters (max. \$4,000)
1,000,001 - 2,500,000	\$0.005 x number of voters
(An example would be a tape with 250,000 voters and would cost \$150 + \$1,250 + \$1,000 + \$2,250 = \$4,650.)	

b. Tape Updates. Four updates may be purchased within one year from the date of the original purchase at a cost of \$0.005 times the number of voters. Selection criteria for the updates must be the same as specified on the original order. A tape update is usually a new copy of all records.

4. Floppy Disk

Number of Voters	Cost
1 - 1,000	\$50.00
1,001 +	\$0.05 x number of voters
(If the total number of voters is less than 1,001, the minimum charge of \$50 applies.)	

5. Delivery. The cost for courier service shall be \$5 per job.

6. Special Requests. The prices above apply to requests using the standard criteria. A \$50 per hour programming charge will be added for any "special request." Registrars of voters must check with Data Processing prior to agreeing to a request that does not conform to the standard criteria.

F. Copies of the Elections and Registration Information Network Registrar of Voters User Manual can be viewed at the Department of Elections and Registration Office, 4888 Constitution Avenue, Baton Rouge, LA or at each office of the registrars of voters throughout the state, or at the Office of the State Register, 1051 North Third Street, Suite 512, Baton Rouge, LA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18 and R.S. 18:31.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 24:1921 (October 1998).

§103. Removal of Registrars of Voters

A. Proceedings relative to the removal of registrars of voters for cause, as enumerated in R.S. 18:53, shall be conducted in accordance with the provisions of the Administrative Procedure Act (R.S. 49:951 et seq.), as clarified by these rules.

B. The person filing the complaint shall be responsible for the presentation of his case and shall be required to prove his allegations by a preponderance of evidence. The board shall act as impartial judge only.

C. No proceeding for the removal of a registrar shall be commenced except by written complaint filed with the board by one or more natural persons of legal age who reside within the parish served by the registrar whose removal is sought.

D. The complaint shall include:

1. the name and mailing address of each complainant;
2. the name of the registrar whose removal is sought and the parish he serves;
3. reference to the specific grounds for removal as set out in R.S. 18:53, upon which the complaint is based;
4. a full statement of the facts, commissions or omissions upon which the complaint is based, including the names of persons, dates, places and circumstances, so as to fully inform the registrar as to the factual basis for the complaint. No evidence of any fact not alleged in the complaint shall be admissible;
5. a clear statement that the removal of the registrar from office is being sought by the complainant.

E. The complaint must be signed by each complainant and verified under oath before a notary or other officer authorized to administer oaths as true and correct to the best of affiant's knowledge, information and belief.

F. The original and two copies of the complaint shall be filed with the Chairman (Secretary of State) by personal delivery to his office, or by regular or certified mail. The complainant shall also mail a copy of the complaint to the accused registrar by certified mail, return receipt requested with restricted delivery to addressee only.

G. Upon receipt of the complaint, if the board finds that it fails to state a cause of action for removal, the board shall notify the complainant and registrar accordingly and the complaint shall be dismissed without prejudice.

H. Upon receipt of the complaint, if the board finds that the alleged facts, if true, could constitute grounds for removal of the registrar from office, as set out in R.S. 18:53, and if the complaint is otherwise found to be in order, the board shall notify the registrar, by certified mail return receipt requested with restricted delivery to addressee only, that a complaint has been filed which alleges facts which, if true, could constitute grounds for removal under the provisions of R.S. 18:53.

I. Within 15 days from the date of this notice the registrar shall file a written answer to the complaint, verified as provided by Subsection E, wherein he shall admit or deny specifically each of the allegations of the complaint, and otherwise answer to the complaint. An extension of the period for answering may be allowed by the board for good cause.

J. If the board finds that the public welfare requires the suspension of the registrar pending the outcome of the proceedings, it shall notify the registrar and his appointing authority of the suspension and its effective date. The suspension shall be with pay unless otherwise ordered.

K. Upon receipt of the registrar's answer or upon expiration of the time allowed for filing his answer, the board shall set a hearing date which shall be at least fifteen, but not more than 30 days subsequent to the date of the "notice of hearing." The notice of hearing shall be in compliance with the provision of R.S. 49:955.

L. Postponements will not be allowed except for a serious and compelling cause beyond the control of the requesting party. If it is necessary to reschedule a hearing, it may be rescheduled within 10 days of the date of the notice of the rescheduled hearing.

M. At the request of the board or either party and at the requesting party's cost, the board shall cause the testimony to be recorded. Copies of the transcription of the testimony may be ordered by either party or the board, at their cost.

N. The hearing shall be conducted in accordance with the provision of the Administrative Procedure Act (R.S. 49:951 through 957).

O. The board shall render its decision within 10 days after the hearing. All decisions shall comply with the requirements of R.S. 49:958.

P. A rehearing shall be granted in accordance with the requirements of R.S. 49:959.

Q. The decisions shall become final 30 days after the mailing date shown thereon, unless a rehearing has been timely requested by either party, or unless the registrar, whose removal has been ordered, files a petition for judicial review by trial de novo in the 19th Judicial District Court before the expiration of the 30-day period. If a rehearing is requested by the registrar, the decision upon rehearing, or denial thereof, shall become final 30 days after the mailing date shown thereon, unless the registrar files a petition for judicial review by trial de novo in the 19th Judicial District Court before the expiration of the 30 day period.

R. Any interested person may petition the board requesting the adoption, amendment or repeal of a rule by filing a copy of the proposed rule or amendment along with a statement of the reasons for requesting the change. The board shall act upon such request as provided by R.S. 49:953(C).

S. All filings and correspondence shall be addressed to: State Board of Election Supervisors, Secretary of State, Chairman, Box 44125, Baton Rouge, LA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of State, Board of Election Supervisors, LR 5:328 (October 1979).

Chapter 3. Voter Registration at Driver's License Facilities

§301. Objective

A. The objective of these rules and regulations is to provide a uniform method of conducting training for any employee authorized to accept voter registration applications at driver's license facilities; to provide for voter registration at driver's license facilities which is impartial, equitable and in the best interest of the citizens of Louisiana; and to provide for an annual review to monitor the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1372 (December 1994).

§303. Commissioner of Elections

A. It will be the policy of the commissioner of elections to facilitate the implementation and support of the program for voter registration at driver's license facilities. The commissioner of elections will coordinate the activities of the parish registrars of voters with the Department of Public Safety and Corrections, and for that purpose he shall:

1. provide the Department of Public Safety and Corrections with updates on the names and addresses of the parish registrars of voters;

2. provide to the Department of Public Safety and Corrections standard notices to be displayed informing the public of the availability of voter registration at driver's license facilities and the eligibility requirements for registration;

3. design in conjunction with the Department of Public Safety and Corrections the computer generated voter registration application form and provide mail voter registration applications to be used under emergency and unusual situations;

4. provide training materials to be used for voter registration; and

5. prepare a biannual report as required by the Federal Election Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1372 (December 1994).

§305. Parish Registrars of Voters

A. It is the intention of the parish registrars of voters to cooperate to their fullest extent in the registration of voters at driver's license facilities. In that regard, parish registrars shall:

1. notify the office of the commissioner of elections immediately of any change in the office mailing address of the registrar of voters;

2. upon receipt in the registrar's office of a voter registration application form from any driver's license facility located within his parish, indicate date received on the application;

3. determine the parish in which the applicant seeks to register or if already registered seeks to change his name or address and, if not his parish, route to the appropriate registrar of voters;

4. review such voter registration application form and register applicant if sufficient information is provided. Notify applicant of registration. If insufficient information is provided, send notice to applicant at the address provided on the application informing the applicant that he has 10 days from the date on which the notice was mailed to appear in the registrar's office to provide the needed information. Register applicant upon receipt of needed information and mail notice of registration to applicant. The eligibility of an applicant to vote in a particular election will be based upon the completion of the registration process by the registrar of voters prior to the close of the registration books for that particular election; and

5. if change of name or change of address, process such change and mail a new voter identification card to the voter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994).

§307. Authorized Employees at Driver's License Facilities

A. Qualifications. An authorized employee at a driver's license facility shall possess the following qualifications.

1. The person shall be an official or employee of the Department of Public Safety and Corrections who is employed at a department facility for the issuance of driver's licenses or identification cards.

2. The person shall have received in-service training.

3. The person shall not participate or engage in any political activity except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires.

4. The person shall not have been convicted of any election offense.

5. The person shall not be a candidate for public office.

B. Duties. An authorized employee at a driver's license facility shall perform the following duties.

1. During regular working hours, an authorized employee shall offer voter registration to any individual who obtains, renews, or changes the name or address on a driver's license or identification card and who meets the following requirements:

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a. a person who is at least 17 years of age and who is an actual resident of the state, parish, and precinct in which he seeks to register to vote. A person 17 years old will not be eligible to vote until the age of 18;

b. a person who is not under an order of imprisonment for conviction of a felony as defined in R.S. 18:2(2);

c. a person who has not been interdicted after being declared to be mentally incompetent;

d. a person who is a United States citizen.

2. An authorized employee shall allow an applicant, who meets the above requirements and who resides at more than one place in the state with an intention to reside there indefinitely, to choose which residence will be used for registration purposes.

3. An authorized employee shall provide assistance to any applicant who would require assistance in registering to vote. Such assistance shall consist of the same assistance provided by a parish registrar of voters under the provisions of R.S. 18:106.

4. An authorized employee shall require the applicant to provide sufficient information to establish his age, identity, and residency.

5. An authorized employee shall require an applicant to indicate "None" on the application form if the applicant does not declare a party affiliation.

6. An authorized employee shall insure that the information provided on the voter registration application is legible and to the best of his knowledge accurate and complete.

7. An authorized employee shall administer any oath required on the voter registration application as authorized by R.S. 18:114(F)(7) and shall sign and date the application.

8. An authorized employee shall inform the applicant that the applicant is not officially registered to vote until the application has been received and approved by the parish registrar of voters. Upon approval by the registrar of voters, a voter identification card will be mailed to the applicant.

9. An authorized employee shall insure that the completed voter registration application is made available to the designated person who will be responsible for transmittal to the parish registrar of voters for the parish in which the driver's license facility is located. The date of transmittal shall be indicated on the application, and the transmittal shall be made within five working days of the completion of the application form unless the application is accepted within five days before the last day for registration then the application form shall be transmitted at the conclusion of each business day.

10. An authorized employee shall request of any person making a change of name or a change of address on a driver's license or identification card if such change is to be used for voter registration purposes. If affirmed, such change shall be transmitted in the same manner as a voter registration application form.

11. An authorized employee shall keep any declinations to register confidential.

C. Offenses. No person authorized to accept voter registration application forms shall knowingly, willfully, or intentionally:

1. offer, promise, solicit or accept money or anything of present or prospective value to secure or influence a vote or registration of a voter;

2. forge, alter, deface, destroy, or remove from proper custodial care any application for voter registration; or

3. intimidate, directly or indirectly, any prospective voter in matters concerning registration or nonregistration.

D. Penalties

1. Any authorized employee who commits an offense as provided herein shall be subject to the penalties provided in R.S. 18:1461.

2. Any authorized employee who fails to comply with the provisions of law relative to registration at driver's license facilities shall be subject to the penalties established in R.S. 18:114(H).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114, R.S. 18:2(2), R.S. 18:62, R.S. 18:101, R.S. 18:102, R.S. 18:105, R.S. 18:106 and R.S. 18:1461.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:607 (July 1990), amended LR 20:1373 (December 1994).

§309. Training

A. The Department of Elections and the registrar of voters shall train designated personnel of the Department of Public Safety and Corrections. In-service training will be provided to all employees authorized to accept voter registration application forms by these personnel.

B. The training shall include but shall not be limited to the following:

1. review responsibility of an authorized employee to offer voter registration;

2. conduct study of the voter registration application with special emphasis on problem areas;

3. discuss information which may be used to establish applicant's age, identity, and residency;

4. discuss assistance that may be provided to applicant;

5. review responsibilities of an authorized employee in insuring accuracy and legibility of voter registration application and stressing the authorized employee's responsibility for informing the applicant that the applicant is not registered until the parish registrar notifies the applicant of registration;

6. review transmittal requirements;

7. review offenses; and

8. review penalties established in R.S. 18:114(H) for noncompliance with the provisions of law relative to voter registration at driver's license facilities and in R.S. 18:1461 relative to voter registration in general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114 and R.S. 18:104-18:106.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994).

§311. Review Process

A. An annual meeting between the office of commissioner of elections and the Department of Public Safety and Corrections shall be held during the month of February of each year to monitor any problem areas where changes in rules and regulations or the revised statutes may be necessary. The annual meeting may be discontinued upon mutual agreement when it is felt there is no longer a need to continue to hold such meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994).

§313. Implementation

A. In a letter dated October 11, 1989, the United States Justice Department has advised the commissioner of elections that any rules and regulations adopted relative to the implementation of the program of registering voters at driver's license facilities will require preclearance by the United States Justice Department under the requirements of Section 5 of the Voting Rights Act. The provisions of Section 114 of Title 18 relative to voter registration at driver's license facilities have been amended by Act 10 of the Third Extraordinary Session of the 1994 Louisiana Legislature. The provisions of the Act provide an effective date of January 1, 1995. The final date of implementation of the amended rules and regulations shall be determined by whichever date, preclearance or January 1, 1995, is the later.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994).

Chapter 5. Voter Registration at Optional Voter Registration Agencies

§501. Objective

A. The objective of these proposed rules and regulations is to designate additional voter registration agencies as required by R.S. 18:116(A)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 21:262 (March 1995).

§503. Designation of Optional Voter Registration Agencies

A. The following offices are hereby designated as voter registration agencies:

1. all public colleges and universities;
2. all public high schools;
3. all private colleges and universities with their permission;
4. all private high schools with their permission; and
5. all municipalities with their permission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 21:262 (March 1995).

§505. Implementation

A. Voter registration at all public colleges and universities will be implemented no later than June 30, 1995. Voter registration at all public high schools will be implemented by no later than August 31, 1995. Implementation will begin for private colleges, universities, high schools, and municipalities upon completion of training after their agreement to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 21:262 (March 1995).

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Part III. Procurement

Chapter 1. Procurement of Voting Machine Drayage

Subchapter A. General Provisions

§101. Authority and Duties of the Commissioner of Elections

A. The commissioner of elections shall have the authority and responsibility to promulgate rules and regulations governing the procurement, management, and control of all voting machines drayage required and set forth in R.S. 18:1371.

B. The chief procurement officer of the Department of Elections and Registration shall be the commissioner of elections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:595 (June 1991), amended LR 24:1922 (October 1998).

§103. Delegation of Authority

A. The commissioner of elections may delegate in writing certain responsibilities set forth herein, however, he shall review any action taken by his designee.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:595 (June 1991).

§105. Delegation of Signature Authority

A. The commissioner of elections or his designee shall sign all contracts for drayage of voting machines.

B. This delegation of signature authority must be in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:595 (June 1991), amended LR 24:1922 (October 1998).

§107. Definition

Drayage—the transporting or cartage of voting equipment as directed by the commissioner of elections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:595 (June 1991), amended LR 24:1922 (October 1998).

§109. Revised Statutes

A. These regulations shall be read and interpreted jointly with R.S. 36:1551 et seq.

B. A rule or regulation shall not change any explicit contract provision, commitment, right or obligation of the state, or of a contractor under a state contract in existence on the effective date of that rule or regulation. However, to the extent possible, existing contracts shall be constructed in conformity with these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:595 (June 1991).

Subchapter B. Competitive Sealed Bidding

§111. Invitation for Bids, Public Notice, and Bid Opening

A. All contracts for the drayage of voting machines shall be awarded by competitive sealed bidding on a parish or regional basis. If the commissioner of elections determines a bid will be awarded on a regional basis, the criteria shall include but not necessarily be limited to:

1. not more than four parishes in a region;
2. not more than 1,000 voting machines in a region;
3. uniform beginning delivery time with continuous drayage for each parish in a region;
4. uniform beginning return time with continuous drayage for each parish in a region;
5. input will be solicited from each clerk of court affected to be included in a regional bid; and
6. a cost savings when bid on a regional basis.

B. Competitive sealed bidding shall be accomplished by sending out written notices to persons known to be able to provide the department's requirements, and by advertising in accordance with R.S. 18:1371 at least 30 days prior to bid opening.

1. Written notices shall be mailed to those persons who have previously requested an invitation for bids for said parish or parishes, if regional, within the previous four years. The written notices shall be mailed to any parish governing authority included in the bid to be let.

2. The written notices and advertisements shall announce:

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- a. the type of contract;
- b. the parish or region for which the contract is required;
- c. the method of acquiring an invitation for bids; and
- d. the date, time, and place of bid opening.

3. Advertisements shall be published in the state official journal and in the official journal of the parish or parishes, if regional, for which the contract is required. Advertisements shall be published in a newspaper of general circulation printed in such parish or parishes, if regional, or, if there is no newspaper printed in such parish or parishes, if regional, in a newspaper printed in the nearest parish that has a general circulation in the parish or parishes, if regional, covered by the contract.

4. A notice shall be sent to the parish governing authority and the clerk of court of the parish or parishes, if regional, for which the contract is required. The clerk of court shall prominently post such notice in his office.

C. The invitation for bids shall contain:

1. complete description of the transportation required;
2. all applicable terms, conditions, and other requirements;
3. types and limits of insurance required;
4. bid and performance bonding requirements; and
5. factors which will be used to determine responsibility of bidders.

D. Bids shall be publicly opened and read as specified in the invitation for bids in the presence of one or more witnesses. Bidders and the public may be present at any bid opening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371 and R.S. 39:1594.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:595 (June 1991), amended LR 19:175 (February 1993), LR 24:1923 (October 1998).

§113. Bid Evaluation

A. Bids shall be evaluated based on adherence to the specifications, terms, and conditions listed in the invitation for bids. The vendor must list any deviations from these specifications, terms, or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:1594(E) and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:596 (June 1991).

§115. Responsibility of Bidders

A. The commissioner of elections or his designee may make reasonable inquiries to determine the responsibility of prospective contractors. In making his determination, the following factors will be considered:

1. has available the appropriate financial, material, equipment, and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability to meet all contractual requirements;

2. has a satisfactory record of performance on previous state contracts and with other persons;

3. is qualified legally to contract with the state of Louisiana (Prior to award of any contract, the successful bidder shall affirm by affidavit that he or she and/or the principal officers of a corporation are not currently under any felony conviction.); and

4. has reasonably supplied any information requested by the commissioner of elections in establishing responsibility.

B. Each bidder who is determined to be non-responsible shall be notified in writing. Such notification shall state all reasons for disqualification, and give each bidder who is proposed to be disqualified, a reasonable opportunity to refute the reasons for disqualification at an informal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1601.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:596 (June 1991), amended LR 24:1923 (October 1998).

§117. Correction of Withdrawal of Bids

A. Obvious errors or errors supported by clear and convincing evidence may be corrected, or bids may be withdrawn, if such correction or withdrawal does not prejudice other bidders and such actions may be taken only to the extent permitted under regulations.

1. Any bid may be withdrawn prior to bid opening.

2. Minor informalities or insignificant mistakes may be waived or corrected if such will not prejudice other bidders (i.e., the effect on price, quantity, quality, delivery, or contractual conditions is not significant). The commissioner of elections may waive any informalities or allow corrections by bidders if it is in the best interest of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1594(F) and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:596 (June 1991).

§119. Bid Guaranty and Bond

A. If specified in the invitation for bids, a bond, certified check, or money order payable to the Department of Elections and Registration in the amount of 5 percent of the bid must accompany each bid submitted.

B. If a bidder withdraws his bid after bid opening, without complying with LAC 31:III.117, or fails to execute a contract within 20 days of request, the bid bond or other security shall be forfeited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371 and LAC 34:I.523.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:596 (June 1991), amended LR 24:1923 (October 1998).

§121. Performance Bond

A. If specified in the invitation for bids, the bidder awarded the contract must submit a performance bond or letter of credit in the penal sum of one and one-half times the contract price made payable to the Department of Elections and Registration.

B. The performance bond shall be written by a surety or insurance company currently on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the *Federal Register*.

C. If a contractor fails to perform in accordance with contractual obligations, the contractor forfeits the performance bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2219, R.S. 39:1581, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:596 (June 1991).

§123. Forfeiture of Bonds

A. Actions by bidders causing forfeiture of bonds as stated in §119 and §121 above shall be cause for removing said bidders from the department's bid list and will support a determination of nonresponsibility for the bidder and its principals for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:596 (June 1991).

§125. General Guaranty

A. Contractor agrees:

1. to maintain all insurance required in the invitation for bids during the term of the contract;

2. to pay all taxes, permits, licenses and fees; to give all notices and comply with all laws, ordinances, rules and regulations of each city and/or town in the parish in which the contractor is performing his duties, and of the state of Louisiana;

3. to protect the state from loss in case of an accident or mishandling by contractor's employees; and

4. to make available the equipment, labor, insurance, etc. for drayage of voting machines at times other than for elections. Such prices to be determined by competitive bidding in accordance with small purchase provisions of the procurement code and subsequent applicable executive orders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:597 (June 1991).

§127. Award

A. All contracts shall be awarded to the lowest responsive and responsible bidder within 30 days of bid opening.

1. A responsive bidder means a person who has submitted a bid which conforms in all substantive respects to the invitation for bids, including the specifications set forth in the invitation.

2. The award shall be made by unconditional acceptance of a bid without alteration or correction, except as authorized in §117.

B. If a bidder who is the lowest responsive and responsible bidder declines to accept the contract, the award may be made to the next lowest bidder or the solicitation may be canceled and readvertised if it is determined that resolicitation is in the best interest of the state. Any bidder who has declined to accept the contract previously offered shall be ineligible to bid on the subsequent solicitation. A bidder who declines a contract or fails to produce an acceptable performance bond may also be debarred from future bidding.

C. In the case of "Tie Bids", award shall be made in a manner that will discourage future "Tie Bids". A written justification for the determination of award must be made by the commissioner of elections.

D. In-state bidders shall be preferred to out-of-state bidders on a reciprocal basis when there is a tie bid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1594, R.S. 39:1595(I), and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:597 (June 1991).

§129. Rejection of Bids; Cancellation of Solicitations

A. The commissioner of elections reserves the right to reject any and all bids when it is in the best interest of the state of Louisiana.

1. Reasons for rejecting a bid include, but are not limited to:

a. a determination of nonresponsibility has been made against a bidder;

b. the bid is not responsive (i.e., it did not meet specifications or comply with terms and conditions).

2. Reasons for canceling a solicitation include, but are not limited to:

a. the department no longer requires the service;

b. bids received exceeded budgeted funds or were unreasonable;

c. the solicitation was flawed (i.e., specifications were not complete or were ambiguous);

d. there is reason to believe that the bids received may have been collusive;

e. there is inadequate competition indicated by low response to the solicitation.

B. When bids are rejected, or a solicitation is canceled, written notices shall be given to the bidders, giving the reasons for the rejection or cancellation.

C. When a solicitation is canceled, where appropriate, bidders will be given the opportunity to bid on the new solicitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581, R.S. 39:1599, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:597 (June 1991), amended LR 24:1923 (October 1998).

§131. Emergency Procurements

A. The commissioner of elections or his designee may declare that an emergency situation exists when:

1. property is subject to loss or destruction as a result of an accident or natural disaster within 10 days of an election;
2. the functioning of the department will be threatened;
3. the health and safety of any person is threatened.

B. Every effort shall be made to obtain bids from three or more bidders. Bids shall be solicited from bonded, insured draymen or lessors currently under contract with the department.

1. If time permits, written quotations shall be solicited.

2. If time does not permit, telephone quotations shall be solicited.

C. The commissioner of elections shall make a written determination stating the basis for the declaration of an emergency, the procedure used prior to selecting a contractor, and the basis for awarding to a particular contractor.

D. The commissioner of elections shall keep all records relating to emergency procurements at least six years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1598 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:597 (June 1991).

§133. Collusive Bidding or Negotiations

A. The attorney general shall be notified in writing whenever collusion is suspected among bidders. Such notice shall contain all known facts.

B. All documents involved in a procurement in which collusion is suspected shall be retained for six years or until the attorney general notifies the department that they may be destroyed, whichever is longer. These documents shall be made available to the attorney general or his designee upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1626 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:597 (June 1991).

§135. Specifications

A. All specifications shall be written so as to promote as much competition as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:598 (June 1991), amended LR 24:1924 (October 1998).

§141. Drayage Specifications

A. A contract cannot be transferred, subcontracted, or assigned prior to execution of said contract. After execution of the contract, a contractor may assign or subcontract his obligations under the contract only with the written consent of the commissioner of elections, which consent shall not be unreasonably withheld.

B. To the extent that a prospective contractor proposes to utilize subcontractors in performing the contract, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system determined by the commissioner of elections. All subcontractors must meet the same standards for responsibility, bonds, and insurance as the prime contractor.

C. If a bidder is the lowest responsible and responsive bidder in more than one parish, bidders will be limited to contracting for parishes with an aggregate total of not more than 1,000 voting machines or four parishes. In the event that those numbers are exceeded, the contracts will be awarded in the order in which bids were taken.

D. The term of the contract shall be one year with an option to renew for two additional one-year terms.

E. If the holder of multiple drayage contracts fails to perform in accordance with the provisions of any of his contracts, the commissioner of elections may cancel any and all contracts with that contractor. In addition, the contractor may be suspended from future bidding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371, R.S. 39:1581, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:598 (June 1991).

§143. Right to Protest

A. All proceedings herewith shall be carried out in accordance with the Conduct of Hearing Rules set forth in LAC 34:I.Chapter 31.

B. Any bidder may protest a solicitation or an award of a contract to the commissioner of elections.

C. In regard to the solicitation of a drayage contract, the protest must be made in writing at least two days prior to the opening of bids.

D. In regard to the award of any contract, a written protest must be made within 14 days after the contract is awarded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1671 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:598 (June 1991), amended LR 24:1924 (October 1998).

§145. Legal and Contractual Remedies

A. The commissioner of elections or his designee is authorized to settle and resolve any protest prior to court action. If a protest is not resolved by mutual agreement, the commissioner of elections or his designee shall, within 14 days, issue a decision in writing. The decision shall:

1. state the reasons for the action taken; and
2. inform the protestant of its right to administrative and judicial review as provided in Part VI of the Procurement Code.

B. Notice of decision shall be furnished immediately to the protestant and any other party intervening.

C. The decision of the commissioner of elections or his designee shall be final unless:

1. the decision is fraudulent; or
2. the person has appealed to the Commissioner of Administration in accordance with R.S. 39:1683 and R.S. 39:1685.

D. If a protest is lodged as provided for in these regulations, the department shall not proceed with the solicitation or award, unless the commissioner of elections declares in writing that proceeding is necessary to protect the substantial interest of the state. Upon such determination, no court shall enjoin progress under award except after notice and hearing.

E. When a protest is sustained and the protesting bidder should have been awarded the contract but is not, the bidder shall be reimbursed for reasonable costs associated with the solicitation, including bid preparation costs other than attorney's fees. Any administrative determination of such costs shall require approval of the attorney general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1671, R.S. 39:1673, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17:598 (June 1991).

§147. Suspension and Debarment

A. A bidder and its principal officers and agents may be debarred or suspended from consideration for award of contracts during an investigation for probable cause if it is in the best interests of the state.

B. The commissioner of elections may suspend or debar a person for cause after notice to the bidder has been given, and the bidder has had a reasonable opportunity to respond. A bidder may be suspended if the commissioner of elections determines that there is probable cause to believe that the bidder has engaged in any activity to lead to debarment.

1. The period of time for the suspension of a drayage contract shall be one complete cycle of bidding in all parishes.

2. The period of time for debarment of a drayage contract shall be two complete cycles of bidding in all parishes.

C.1. Causes for debarment shall be in accordance with R.S. 39:1672(C).

2. In addition to the provisions of R.S. 39:1672(C), the commissioner of elections may debar a bidder for the following reasons.

a. The bidder has withdrawn a bid after an award, for whatever reason, more than once.

b. The commissioner of elections may declare other specific reasons for suspension or debarment which is in the best interests of the state.

D. The commissioner of elections shall notify the debarred or suspended bidder in writing of the decision stating the reasons for the action taken. Such notification shall also inform the debarred or suspended bidder's rights to administrative and judicial review.

E. The decision of the commissioner of elections or his designee shall be final unless:

1. the decision is fraudulent; or
2. the person has appealed to the commissioner of administration in accordance with R.S. 39:1684.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1672 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Office of the Commissioner, LR 17:599 (June 1991), amended LR 24:1924 (October 1998).

Chapter 3. Procurement and Certification of Voting Equipment

Subchapter A. Competitive Sealed Bidding

§301. Invitation for Bids, Public Notice, and Bid Opening

A. All voting machines used in the state of Louisiana shall be purchased by the commissioner of elections on the basis of public bids and in accordance with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1959. All bids will be advertised in the official journal of the state of Louisiana in accordance with all applicable statutes and rules.

B. Machines bid in Louisiana must be certified in accordance with the provisions of R.S. 18:1361(A).

C. In accordance with R.S. 18:1361(B), bids on machines that have been certified for use in Louisiana will be considered for purchase and subsequent use.

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D. The bids will be opened in public session on the date announced in the bid offering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1353(C), R.S. 18:1361, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19:176 (February 1993).

§303. Certification of Voting Equipment

A. All mechanical voting machines currently in use in Louisiana and purchased prior to the adoption of these rules shall be considered certified.

B. Voting equipment offered for sale in Louisiana shall be certified according to procedures established in R.S. 18:1361.

C. The commissioner of the Department of Elections and Registration shall establish policies that shall set standards for all electronic voting equipment to be used in the state of Louisiana.

1. The standards shall conform to the requirements of R.S. 18:1355 and R.S. 18:1399 and the requirements and needs of the Louisiana voting public.

2. All certificates, together with any relevant reports, drawings, and photographs, for electronic equipment shall be public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1353(C), R.S. 18:1355, R.S. 18:1361, R.S. 18:1399, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19:176 (February 1993).

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